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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**
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9 In the matter of
10 JUAN ACOSTA,
11 Petitioner.

Case No. 2:14-cv-01824-APG-NJK
ORDER

12
13 Petitioner has submitted an application to proceed in forma pauperis (#1) and a petition for a
14 writ of habeas corpus. He did not include with his application (#1) a financial certificate and a copy
15 of his inmate account statement, as required by 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2.

16 The petition itself is defective in form. First, petitioner did not use the court's form.
17 Second, petitioner did not name the respondent, who is the state official who has custody over him.
18 The court will give petitioner the opportunity to correct these defects.

19 IT IS THEREFORE ORDERED that the application to proceed in forma pauperis (#1) is
20 **DENIED** without prejudice.

21 IT IS FURTHER ORDERED that petitioner shall file another application for leave to
22 proceed in forma pauperis, accompanied by a signed financial certificate and a statement of his
23 inmate account. The clerk of the court shall send petitioner a blank application form for
24 incarcerated litigants. In the alternative, petitioner shall make the necessary arrangements to pay the
25 filing fee of five dollars (\$5.00), accompanied by a copy of this order. Petitioner shall have thirty
26 (30) days from the date that this order is entered to comply. Failure to comply will result in the
27 dismissal of this action.

1 IT IS FURTHER ORDERED that the clerk of the court shall file the petition for a writ of
2 habeas corpus pursuant to 28 U.S.C. § 2254.

3 IT IS FURTHER ORDERED that the clerk of the court shall send petitioner a petition for a
4 writ of habeas corpus pursuant to 28 U.S.C. § 2254 form with instructions. Petitioner shall have
5 thirty (30) days from the date that this order is entered in which to file an amended petition to
6 correct the noted deficiencies. Neither the foregoing deadline nor any extension thereof signifies or
7 will signify any implied finding of a basis for tolling during the time period established. Petitioner
8 at all times remains responsible for calculating the running of the federal limitation period and
9 timely asserting claims. Failure to comply with this order will result in the dismissal of this action.

10 IT IS FURTHER ORDERED that petitioner shall clearly title the amended petition as such
11 by placing the word “AMENDED” immediately above “Petition for a Writ of Habeas Corpus
12 Pursuant to 28 U.S.C. § 2254” on page 1 in the caption, and petitioner shall place the docket
13 number, 2:14-cv-01824-APG-NJK, above the word “AMENDED.”

14 DATED: *11/4/14*



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16 ANDREW P. GORDON
17 United States District Judge
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